

REGULAR CITY COUNCIL MEETING
AUGUST 12, 1996

PRESENT

Don Dafoe
Gayle Bunker
Robert Dekker
Robert Droubay
Dale Roper
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

Dorothy Jeffery

City Recorder

OTHERS PRESENT

Neil Forster
Rita Byrd
Richard Waddingham
Neil C. Rawlinson
Derin Phelps
Lynette Madsen
Kathy Walker

Public Works Director
Public Works Secretary
City Attorney
Deseret Industries Representative
Reporter
Shade Tree Committee Member
Shade Tree Committee Member

Mayor Dafoe called the meeting to order at 7:04 p.m. Rita Byrd, Public Works Secretary, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle-Progress, the local radio station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of the Regular City Council Meeting held July 8, 1996 were presented for consideration and approval. The Council reviewed the minutes briefly. It was requested that Robert Droubay be listed as present at the meeting, inasmuch as he arrived late, but was in attendance. Mayor Dafoe stated that the reference to adoption of a Resolution on Page 7 be changed to state that an Ordinance was adopted, not a Resolution. Council Member Gayle Bunker requested that the minutes show that Council Member Robert Droubay was not in attendance for the vote adopting Ordinance No. 96-173 shown on Page 8. Following the discussion, Council Member Gayle Bunker made a MOTION to approve the minutes as corrected. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe

asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

City Attorney Richard Waddingham, arrived at the meeting late. He requested that the July 8, 1996 minutes be re-opened for discussion. He stated that on Page 6 of the July 8, 1996 minutes, the second paragraph under the Approval of Delta North Annexation, line 6 should state that "a policy declaration statement and community impact evaluation statement and legal opinion were prepared and submitted under the direction of the City Council." The next sentence stated that "The Planning & Zoning Commission reviewed the petition. . .". Attorney Waddingham requested that the minutes state that "The Planning & Zoning Commission reviewed the petition "and the aforementioned documents. . ."

Attorney Waddingham also recommended minor changes on Page 7 of the minutes. Attorney Waddingham also clarified that the minutes should reflect that a 2/3 affirmative vote of the entire Council is required to pass an Ordinance for annexation.

Following discussion of the changes requested by Attorney Waddingham, Council Member Gayle Bunker amended his MOTION to approve the minutes as being further corrected by City Attorney Richard Waddingham. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The minutes of a Public Hearing held July 22, 1996 at 6:45 p.m. were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Glen Swalberg MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Dale Roper MOVED that the accounts payable be approved for payment as listed in the amount of \$262,841.02. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE.

Attorney Waddingham requested that this item be put on the agenda for the next City Council Meeting to allow time to review the Definitions section prior to approval. Council Member Robert Dekker MOVED to table the Amendment to Business License Ordinance. The motion

was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GLEN SWALBERG: BEAUTIFICATION ORDINANCE ENFORCEMENT

Council Member Swalberg distributed the following memo to the Mayor and Council Members:

July 22, 1996, and August 12, 1996

Memo to: Delta City Council & Mayor

Subject: City Beautification & Cleanup

In discussing the prospect of our proposed committee, that will survey their neighborhood area, then report back to each other under the direction of their chairman, the following have been interviewed and have accepted this assignment subject to City Council approval.

Chairman - Mike Rose
Member - Andrea Thorpe
Member - Bonnie Ivie
Member - Ann Marie Mankin

Prospective Chairman Rose stated, he would prefer to work with a 4 person committee, where they are to recommend properties, but will not need to vote on them. He felt 4 would work fine. If we want him to add another person, he said he would be glad to choose another member.

As to the possibility of using an independent Appeal Committee, or (Board of Adjustment), in talking with some local citizenry, they felt it would be good to have citizen involvement, on these committees, and that property owners would act quite favorable to peer members as opposed to official city related members.

I would like to recommend we consider this possibility. The following have expressed a willingness to serve if we desire, as members of an Appeal Committee.

Chairperson - Ruth Hansen	
Member - Grant Bennett	
Member - Dwight Moody	A committee of three would constitute
Alternate - Edward Lamb	a quorum.
Alternate - Sharon Lamb	

I would really appreciate your consideration of these proposals.

Sincerely,
Glen Swalberg, City Council

Council Member Swalberg stated that this is a proposal to discuss using citizen committees for both the survey committee and the appeals board. If the proposal is approved by the Council, the people are willing to serve. Mayor Dafoe responded that it was his understanding that if a citizen committee was appointed, the Council would act as the appeals board. Council Member Swalberg reminded the Mayor that if the Council acts as an appeals board, the Mayor cannot sign the letter to the property owner. Council Member Swalberg said he feels strongly that the letter to property owners should be signed by the Mayor.

Council Member Robert Dekker mentioned that the current ordinance requires that the City Council be the appeals board and he is not comfortable with any other group being assigned that responsibility. Council Member Dale Roper agreed with Council Member Dekker's concern and indicated that, as elected officials, the Council should be responsible for the final decision.

Mayor Dafoe asked for an opinion from City Attorney Waddingham regarding the Mayor signing the letter and the Council acting as the appeals board. Attorney Waddingham advised that the Mayor could be placed in a voting position on the appeals board, which could cloud his position of impartiality. Council Member Swalberg felt that there would be more citizen involvement if citizens were administering the clean up effort rather than the City Council.

There was extensive discussion regarding the pros and cons of having a citizen appeals board vs. the City Council acting as appeals board. Council Member Gayle Bunker reminded the Council that they had previously agreed that Public Works Director Neil Forster should sign the letter to the property owners. He would like to go forward with that decision and, in the event it does not work, then changes can be made. This is the procedure that is currently set out in the ordinance.

Council Member Gayle Bunker MOVED to approve the formation of a citizens canvassing committee consisting of Mike Rose as Chairman, with Andrea Thorpe, Bonnie Ivie, and Ann Marie Mankin as members; that the notice to property owners be initiated by Public Works Director Neil Forster, and that the City Council act as the appellate board. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

LYNETTE MADSEN: REPORT FROM THE SHADE TREE COMMITTEE -
DIRECTION ON WHERE TO PLANT TREES AND ROSE GARDEN.

Lynette Madsen explained that she was here representing the Shade Tree Committee and understood that the Shade Tree Committee had previously met with the City Council regarding the rose garden. Mayor Dafoe stated that there had been no previous discussion of a rose garden, just the shade tree project. The Shade Tree Committee would like to implement two projects. The first is planting trees in the Neighborhood Park and planting trees around the ball fields.

There are currently some individuals and 4-H groups looking into how this can be accomplished with donations and volunteer work. Chevron Corp. has grants of approximately \$500 which would cover trees, drip water system, installation information, etc. The Shade Tree Committee would like to pursue the Chevron grant. They have also talked about doing clean up and yard work at the Central Utah Food Sharing building.

At this time the Shade Tree Committee would like to discuss the possibility of a rose garden in the City Park, perhaps around the restored pioneer log cabin. They would be soliciting donations, perhaps a memory rose in the name of someone who is deceased. Ms. Madsen asked for comments from the Council. Mayor Dafoe requested clarification on the Chevron grant money. Ms. Madsen stated that the money has not yet been received, they are in the process of pursuing the grant. Mayor Dafoe asked if anyone at the County Extension office has been contacted to be involved in the project. Ms. Madsen advised that Kim Broderick, who is over the 4-H program, has been involved in the project and directed a 4-H booth at the park for the Fourth of July celebration which raised \$500-600 toward the project. It was also discussed that the parents of Little League players may be willing to make some donations toward the planting of trees. Jody Gale, the County Extension Agent has given advice on the project, but cannot get any trees until spring. The Shade Tree Committee needs to get approval for the project now, so that when the trees are available, everything will be ready to go.

Mayor Dafoe requested that a landscaping plan be prepared for inspection prior to City Council approval. Public Works Director Neil Forster reminded the Council that consideration needs to be given to the type of trees to be planted; there have been several plantings which did not survive. Mayor Dafoe repeated the Council's desire for a landscaping plan prior to any approval of the project. Council Member Glen Swalberg requested that a plan of the proposed rose garden be submitted to the Council also. Mayor Dafoe inquired as to the maintenance required for a rose garden and asked who would be responsible for it. The Shade Tree Committee was hoping that the City parks people would maintain the garden, along with their current duties. The Council did not feel that the parks people could take on the additional responsibilities.

After further discussion, the City Council directed the Shade Tree Committee to work with Mayor Dafoe in forming a plan, then return to the City Council at a later date for approval.

CITY ATTORNEY RICHARD WADDINGHAM: ORDINANCE ADOPTING
PROPOSED LANGUAGE CHANGE TO RURAL RESIDENTIAL ZONE (RR).

AN ORDINANCE OF THE CITY OF DELTA, UTAH AMENDING APPENDIX
2 TO THE RURAL RESIDENTIAL ZONE MAKING IT A PERMITTED USE TO
KEEP ANIMALS AND FOWL FOR PERSONAL USE OR FAMILY FOOD
PRODUCTION (NOT COMMERCIAL) AND TO INCORPORATE CERTAIN
QUALIFYING REGULATIONS AND SPECIAL CONDITIONS IN
FURTHERANCE THEREOF.

City Attorney Richard Waddingham explained that the purpose of the language change in Appendix 2 is to allow property owners to keep animals and fowl for personal use or family food production (not commercial use) subject to certain regulations and special conditions. Specifically, this will change from a conditional use to a permitted use. Council Member Gayle Bunker commented on a question which came up in an earlier meeting regarding what happens if someone changes the type or number of animals being kept. Council Member Dale Roper referred to Section 5.2.1 and 5.2.2 requiring designation of the number and type of animals, and inquired as to what action should be taken if that number or type changes. Council Member Gayle Bunker suggested that language be added to require a new plan be submitted to the Zoning Officer if changes are made to the original plan. Following discussion of the language to be added, Council Member Gayle Bunker MOVED to table approval of the Ordinance Adopting Proposed Language Change to Rural Residential Zone (RR) until the next City Council meeting for addition of the suggested language. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: BID AWARD - NEW VEHICLE FOR PUBLIC WORKS
DEPARTMENT.

Mayor Dafoe requested that Public Works Director Neil Forster present the information on this item. Mr. Forster advised the Council that bids were requested by invitation in order to keep it local. Bids were opened on Friday, August 9, 1996 at 3:00 p.m. in his office. The apparent low bid was by Droubay Chevrolet for a 1997 mid-size Chevrolet. The bid for the truck, as specified, was \$19,138.14. Mr. Forster has since noted a few options which he felt should be added. The budget for this item is \$20,000. With the options added, the bid would be \$20,067.44. Those options include a third door, a larger engine, aluminum wheels, and deep tint for rear glass.

Council Member Robert Droubay requested that he be allowed to abstain from voting in this matter due to a conflict of interest, inasmuch as he the owner of Droubay Chevrolet.

Council Member Gayle Bunker questioned the aluminum wheels and was advised that these are plain aluminum wheels, like what is on the pickup purchased for the Asst. Public Works Director. Mayor Dafoe recommended that this vehicle be ordered with the additional options on it. Council Member Robert Dekker MOVED to approve the award of bid on the 1997 mid-size Chevrolet pickup, with the options mentioned, at a price of \$20,067.44 from Droubay Chevrolet. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The voting was four in favor, with Council Member Robert Droubay abstaining.

Council Member Dale Roper asked Public Works Director Neil Forster about the street sweeping at Antelope Valley RV Park. Mr. Forster advised that the sweeping took approximately 2 - 3 hours and was quite involved due to several cul-de-sacs in the park, making it difficult to maneuver. The Council discussed making the street sweeper available, on a limited basis, until someone starts sweeping streets commercially. Council Member Gayle Bunker felt that the City should not do any further public cleaning with the street sweeper unless it is brought before the Council to vote on again. All Council Members expressed concerns about inhibiting private enterprise, cost of maintenance and replacement, etc. Following discussion, it was determined that, after the trial street sweeping at Antelope Valley RV Park, the Council feels that they do not want to continue the practice of providing street sweeping for private business.

OTHER BUSINESS

Mayor Dafoe introduced Neil Rawlinson, representative of Deseret Industries, which is owned by the LDS Church. Mr. Rawlinson has talked with Mayor Dafoe previously and requested that he be allowed to present a proposal to the City Council regarding the property owned by the LDS Church at approximately 50 North 100 West. At this time, the item can be discussed, but any action on the proposal will need to wait until the item is put on the agenda of a later meeting.

Mr. Rawlinson distributed a written document to each Council Member for their review, inasmuch as there would be no action taken at this time. Mayor Dafoe stated that the old building being used as the Family History Center, Deseret Industries, and Beehive Clothing is actually sitting in an alley way owned by the City (50 North). Deseret Industries has a plan to expand the use of the building and make it accessible to the elderly and handicapped. Mr. Rawlinson is asking that the City vacate a portion of the street to the LDS Church's back property line in order for them to continue the project.

Following discussion, Council Member Dale Roper MOVED to set a Public Hearing on September 9, 1996 at 6:45 p.m. for the purpose of receiving public comment regarding vacation of a portion of 50 North Street between 100 West and Center Street, as requested by the L.D.S. Church. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the

motion. There being none, he called for a vote. The motion carried unanimously. City Attorney Richard Waddingham will advise Mr. Rawlinson regarding the petition which will need to be signed.

Council Member Glen Swalberg has been contacted by Lee Tippetts regarding the old steam engine which came from Sawmill Basin and is owned by Lee Tippetts, Don Morris, Howard Clayton, Waldo Warnick, and possibly another person. The steam engine has been housed at the Museum for several years; they are now short of room and have moved the steam engine out. Someone in Cedar City wants to purchase the steam engine and the owners have been discussing selling it to them. It was suggested to the owners that they contact Delta City before selling it to see if the City would be interested in displaying it at the City Park. Discussion was held regarding what would be needed as far as covering and fencing to protect the engine, the cost of fencing and building a roof over it. The Council discussed several options, including whether it should be housed at the Museum or at the City Park. The Council agreed that the steam engine should be kept in the area and asked Council Member Swalberg to follow up and find out what needs to be done in order to keep it in the area.

Council Member Glen Swalberg mentioned the problem on 400 West where the Fleming Foods trucks unload at IGA. Mayor Dafoe advised the Council that he had talked to John Sentker, owner of the store, regarding the danger created by blocking the road. The Council discussed the dangers and the possible solutions. The consensus of the Council is that something needs to be done, but at this time there was no agreement on what the solution would be. The Council requested that the Public Works Department put additional gravel on the side of the street where the gravel has washed away from the asphalt.

Council Member Glen Swalberg asked if anyone knew whether the person parking automobiles for sale on the old Husky service station is licensed to sell cars. City Attorney Waddingham reported that he had contacted the State Division of Motor Vehicles on this issue and was told that they would address this matter if they were provided with sufficient information. Additional discussion was conducted regarding the two areas where cars are being parked in vacant lots on Main Street with "For Sale" signs. Mayor Dafoe requested that City Attorney Waddingham contact the person he talked with at the State Division of Motor Vehicles to get more information on handling the problem.

The Council discussed various problems where large trucks are parked on City streets. Discussion was held regarding limiting the areas where trucks can be parked. There is currently no clear solution to this problem.

Council Member Gayle Bunker mentioned that the Council should begin discussing the plans for the City Park for Christmas. He did not want to discuss the matter at this time, but requested it be placed on the agenda to discuss at the next meeting.

Mayor Dafoe asked if there were any comments, questions, or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:04 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
City Recorder

MINTUES APPROVED: RCCM 09-09-96